Remarks

Claims 1-12 and 20-43 are pending in the application and are presented for reconsideration. Claims 13-19 have been canceled. Claims 1-12, 20-21, 23, 25, 27-28, 32-33, 35, 37, and 39-40 have been amended. Claims 22, 24, 26, 29, 30, 31, 34, 36, 38, 41-43 remain in the application unchanged. No new matter has been added.

Specification

The abstract of the disclosure is objected to because it exceeds 150 words in length.

The abstract of the disclosure has been amended to less than 150 words in length. The objection of the specification is now respectfully believed to be overcome.

Claim Rejections

Claims 1-19 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1, 2, 13, 14, 20, 21, 32 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lane et al. (U.S. Pat. No. 5,704,051 A1).

Claims 3-12, 15-19, 22-31, and 34-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane et al. in view of Lee et al. (U.S. Pat. No. 7,017,122 B1).

The Examiner's rejections of the claims are respectfully traversed.

I. Rejection of Claims Under 35 U.S.C. § 101

Claim 1 is rejected under 35 U.S.C. § 101 as reciting computer software per se. Claim 1 has been amended to recite a computer system executing a graphical user interface application. Claim 1 now does not recite computer software per se. Accordingly, the rejection of Claim 1 under 35 U.S.C. § 101 is now overcome.

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II. Rejections of Claims Under 35 U.S.C. § 102/103

1. Response to Rejections of Claims Under 35 U.S.C. § 102
a. Claims 1-12

Applicant's amended claim 1 recites:

> A computer system, comprising:
> a display;
> a processor;
> a graphical user interface application, executed by said processor, configured with capability to simultaneously render a plurality of graphical elements in an image rendering space on said display, wherein a plurality of said graphical elements are characterized by different element characteristics, said graphical user interface comprising:
> a selection interface comprising a plurality of selectable graphical identifiers each of which is associated with a different respective one or more of said different element characteristics and each of which is associated with a different unique rendering color that is used when rendering said respective selectable graphical identifier when said respective selectable graphical identifier is selected by a user;
> an input interface which detects selection of any one or more of said respective plurality of selectable graphical identifiers; and
> a rendering function which, for each detected selected graphical identifier, renders elements of said plurality of graphical elements that are characterized by said respective one or more of said different element characteristics associated with said selected graphical identifier in said image rendering space of said display using said different unique rendering color associated with said selected graphical identifier.

The Lane Reference

The Examiner cites Lane as anticipating claim 1. In particular, the Examiner states Lane discloses in Col. 5, lines 12-50 all of the elements of Applicant's recited Claim 1. Claim 1 has been amended to more particularly distinguish Applicant's invention over Lane.

Lane discloses a multi-tiered selection bar in a graphical user interface. In particular, Lane discloses a secondary bar 100 which displays selectable secondary items. When a secondary item is selected, the selected secondary bar item's color or pattern is carried forward to correspond to the tertiary items displayed in the tertiary bar 200 in order to indicate that the displayed tertiary items are specific only to the selected secondary item.

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However, Lane does not allow for tertiary items corresponding to more than one secondary item to be simultaneously displayed in the tertiary bar. In contrast, Applicant's Claim 1 recites "a graphical user interface application, executed by said processor, *configured with capability to simultaneously render a plurality of graphical elements* in an image rendering space on said display, *wherein a plurality of said graphical elements are characterized by different element characteristics*". Lane does not allow for this. Lane's tertiary bar is rendered showing only the graphical elements (i.e., tertiary items) that are specific to a single one of the secondary items. Thus, Lane's tertiary bar 200 cannot render a plurality of graphical elements that are characterized by different elements characteristics.

Lane also does not teach or suggest "an input interface which detects selection of any one or more of said respective plurality of selectable graphical identifiers" as recited in Applicant's claim 1. As described above, and as stated in Lane in Col. 5, lines 51-56, the menu items displayed in tertiary bar 200 contain only items related to one or the items in the secondary bar 100. Thus, Lane does not allow for selection of more than one secondary item listed in secondary bar 100. Accordingly, Lane does not meet the limitation "an input interface which detects selection of *any one or more* of said respective plurality of selectable graphical identifiers".

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co.,* 814 F.2d 628 (Fed. Cir.), *cert. denied,* 484 U.S. 827 (1987). Since Lane does not meet each and every limitation of Applicant's claim 1, per *Verdegaal Bros., Inc.,* *supra*, Lane cannot be used in formulating an anticipation rejection under 35 U.S.C. § 102.

The Lee Reference

Lee does not make up for the deficiencies of Lane in meeting Applicant's Claim 1. Lee discloses a method for displaying a menu screen of a video

apparatus. Lee hierarchically displays lower-level menu items using different colors.

Lee does not teach or suggest "a graphical user interface application... configured with capability to simultaneously render a plurality of graphical elements in an image rendering space on said display, wherein a plurality of said graphical elements are characterized by different element characteristics". Lee displays only a menu, a single selected item in the menu, a sub-menu showing additional items associated with the selected menu item, and a sub-sub-menu of a selected item in the sub-menu. Lee does not teach or suggest a capability to simultaneously render graphical elements characterized by different element characteristics". In Lee, each sub-menu displays only sub-items associated with the single selected menu item. Therefore, Lee does not teach or suggest that the system is capable of simultaneously rendering sub-menu items associated with different menu items, or sub-sub-menu items associated with different sub-menu items. Accordingly, Lee does not meet this limitation.

Lee also does not teach or suggest "an input interface which detects selection of any one or more of said respective plurality of selectable graphical identifiers" as recited in Applicant's claim 1. Lee does not allow for selection of more than one menu item or sub-menu item at a time.

Summary

Accordingly, in view of the above, none of Lane, Lee, or any of the other prior art of record, taken either alone or in any combination, meets each and every limitation of Applicant's claim 1. Per *Verdegaal Bros., Inc., supra*, therefore none of Lane, Lee, or any of the other prior art of record can be used in formulating an anticipation rejection under 35 U.S.C. § 102. Furthermore, since none of Lane, Lee, and/or any of the other prior art of record, taken in any combination, teach the essential limitations "a graphical user interface application... configured with capability to simultaneously render a plurality of graphical elements in an image rendering space on said display, wherein a plurality of said graphical elements are characterized by different element characteristics" and "an input interface which detects selection of any one or

more of said respective plurality of selectable graphical identifiers", Lane, Lee, and/or any of the other prior art of record cannot even be combined to formulate an obvious-type rejection under 35 U.S.C. § 103. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102 rejection of Claim 1 should be withdrawn and that Claim 1 is now in position for allowance.

Claims 2-12 each depend from independent base claim 1 and add further limitations. For at least the same reasons that Claim 1 is not shown, taught, or disclosed by the cited references, Claims 2-12 are likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of claims 2-12 should be withdrawn.

b. Claims 20-31

Claim 20 recites similar limitations to claim 1, including "A method for rendering graphical elements in an image rendering space of a display, wherein a plurality of said graphical elements are characterized by different element characteristics" and "detecting selection and/or de-selection of any one or more of said respective plurality of selectable graphical identifiers". For at least the same reasons that Claim 1 is not shown, taught, or disclosed by the cited references, Claim 20 is likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of Claim 20 should be withdrawn.

Claims 21-31 each depend from independent base Claim 20 and add further limitations. For at least the same reasons that Claim 20 is not shown, taught, or disclosed by the cited references, Claims 21-31 are likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of Claims 21-31 should be withdrawn.

c. Claims 32-43

Claim 32 recites similar limitations to claim 1, including "A method for rendering graphical elements in an image rendering space of a display, wherein a plurality of said graphical elements are characterized by different element characteristics" and "detecting selection and/or de-selection of any one or more of said respective plurality of selectable graphical identifiers". For at least the same reasons that Claim 1 is not shown, taught, or disclosed by the cited

references, Claim 32 is likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of Claim 32 should be withdrawn.
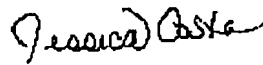
Claims 33-43 each depend from independent base Claim 32 and add further limitations. For at least the same reasons that Claim 32 is not shown, taught, or disclosed by the cited references, Claims 33-43 are likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of Claims 33-43 should be withdrawn.

Conclusion

In view of the foregoing remarks, it is respectfully submitted that none of the references cited by the Examiner taken alone or in any combination shows, teaches, or discloses the claimed invention, and that Claims 1-12 and 20-43 are in condition for allowance. Reexamination and reconsideration are respectfully requested.

Should the Examiner have any questions regarding this amendment, or should the Examiner believe that it would further prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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